

In re TON ET AL., Application No. 09/776,794  
Amendment A

### REMARKS

The final Office action dated May 5, 2005, and the references cited have been fully considered. In response, please enter the enclosed Request for Continued Examination (RCE) and the following amendments, and consider the following remarks. Reconsideration and/or further prosecution of the application is respectfully requested.

First, Applicants appreciate the Office detecting the typographical error in claim 33, which has been corrected herein. As such, Applicants request the objection to claim 33 be withdrawn.

Next, Applicants appreciate the Office offer to withdraw the § 101 rejections should Applicants amend claim 1 to recite a computer-implemented method. Applicants have amended claim 1 accordingly. As such, Applicants request the § 101 rejections be withdrawn.

Next, in regards to the § 112 rejections, Applicants have amended claims 1 and 4-10 to add explicit relationships between claim elements as recited in the individual claims, including adding dependent claim 2 to independent claim 1, with support for these amendments at least provided by FIGs. 4A-B and 5A-E and their corresponding discussion of pages 9-12, as well as original claims 1-10 of the originally filed application. As such, Applicants believe that all pending claims are in compliance with 35 USC § 112, and therefore request the § 112 rejections be withdrawn.

Additionally, independent claim 25 is amended herein to explicitly recite both a resource lock table data structure and a semaphore allocation table data structure, and the manipulation of such as recited in the claims, with support for these amendments at least provided by FIGs. 4A-B and 5A-E and their corresponding discussion of pages 9-12. New dependent claim 34 (of independent claim 25) adds the limitation of means for freeing the first semaphore, with support at least provided in the original application at least by FIGs. 5C and 5D and the discussion on pages 11 and 12. New dependent claim 35 (of dependent claim 34) adds the limitation of timeout value and the means for freeing the first semaphore being responsive to a timeout

In re TON ET AL., Application No. 09/776,794  
Amendment A

corresponding to the timeout value, with support at least provided by FIGs. 5C and 5D and the discussion on pages 11 and 12.

New claim 36 is added herein to describe a method performed by an embodiment using both a resource lock table data structure and a semaphore allocation table data structure, and the manipulation of such as recited in the claims, with support for these amendments at least provided by FIGs. 4A-B and 5A-E and their corresponding discussion of pages 9-12, especially with support provided by the illustration of one example of an unlimited number of resource lock tables in FIG. 4A, one example of an unlimited number of semaphore allocation lock tables in FIG. 4B, and one embodiment's exemplary set of steps of an unlimited number of sets of steps performed by embodiments in the flow diagrams of FIGs. 5A and B, and their corresponding discussions on pages 9-12 of the originally filed specification.

New claims 37-41 are added herein to describe a method performed by an embodiment using both a resource lock table data structure and a semaphore allocation table data structure, and the manipulation of such as recited in the claims, with support for these amendments at least provided by FIGs. 4A-B and 5A-E and their corresponding discussion of pages 9-12, especially with support provided by the illustration of one example of an unlimited number of resource lock tables in FIG. 4A, one example of an unlimited number of semaphore allocation lock tables in FIG. 4B, and one embodiment's exemplary set of steps of an unlimited number of sets of steps performed by embodiments in the flow diagrams of FIGs. 5A and D, and their corresponding discussions on pages 9-12 of the originally filed specification.

The claim set of pending claims 1 and 3-10 is believed to be allowable at least for the reason that the limitation of updating the data structure with indications of *both* (a) the first resource and (b) the first semaphore. The prior art of record neither teaches this limitation, and paragraph 8 of the May 5, 2005, Office action fails to present a rejection for the limitation of updating the data structure with indications of the first semaphore. Applicants further submit that Perks teaches away from such a limitation as it teaches the use of index numbers assigned to

In re TON ET AL., Application No. 09/776,794  
Amendment A

each class for indexing into the semaphore mapping table, and therefore it would not update these indexes. Next, Applicants respectfully traverse the Office's expansion of its rejection to include the Silberchatz reference without presenting a proper § 103 rejection. If the Office is attempting to state that it is inherent to check to see if a routine is already in memory before loading it, Applicants respectfully traverse this as inherent means it *must* occur. The fact that a certain result or characteristic *may* occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. MPEP § 2112 (*emphasis in original*). Applicants submit that it is possible to load multiple instances of a routine into memory, and therefore the checking prior to loading is not inherent.

For at least these reasons, Applicants believe claims 1 and 3-10 are allowable over the prior art of record as it neither teaches nor suggests all the claim limitations.

In regards to the claim sets of 25/34/35, 36, and 37-41, Applicants believe these claims are allowable over the prior art of record as it neither teaches nor suggests all the claim limitations including the recited limitations of the resource lock table data structure and the semaphore allocation table data structure, and the recited use of such.

**Final Remarks.** In view of the above remarks and for at least the reasons presented herein, all pending claims are believed to be allowable over the prior art of record, the application is considered in good and proper form for allowance, and the Office is respectfully requested to issue a timely Notice of allowance in this case. Applicant requests any and all rejections and/or objections be withdrawn. If, in the opinion of the Office, a telephone conference would expedite the prosecution of the subject application, the Office is invited to call the undersigned attorney.


In re TON ET AL., Application No. 09/776,794  
Amendment A

Applicants believe no extension of time is required, but hereby petitions any such extension of time required and authorizes the Commissioner to charge any associated fees to Deposit Account No. 501430. Moreover, the Commissioner is hereby generally authorized under 37 C.F.R. § 1.136(a)(3) to treat this communication or any future communication in this or any related application filed pursuant to 37 C.F.R. § 1.53 requiring an extension of time as incorporating a request therefore, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 501430 for any fee that may be due in connection with such a request for an extension of time. Moreover, the Commissioner is hereby authorized to charge payment of any fee due any under 37 C.F.R. §§ 1.16 and § 1.17 associated with this communication or any future communication in this or any related application filed pursuant to 37 C.F.R. § 1.53 or credit any overpayment to Deposit Account No. 501430.

Respectfully submitted,  
The Law Office of Kirk D. Williams

Date: August 5, 2005

By

  
Kirk D. Williams, Reg. No. 42,229  
One of the Attorneys for Applicant  
CUSTOMER NUMBER 26327  
The Law Office of Kirk D. Williams  
1234 S. OGDEN ST., Denver, CO 80210  
303-282-0151 (telephone), 303-778-0748 (facsimile)